

REMARKS/ARGUMENTS

Claims 30-31, 59-60, 64, 66-79, 81-82, 87, 89-95 and 97-103 remain in this application. Claims 1-29, 32-55, 56-58, 61-63, 65, 80, 83-86, 88, 96, 104 and 105 have been canceled. Claims 64 and 66-79 have been withdrawn.

The examiner has allowed claims 30-31, 59-60, 81-82 and 87.

Claims 91, 96, 101 and 104 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 64 and 66-89 have been withdrawn as the result of an earlier restriction requirement.

In view of the Examiner's earlier restriction requirement, applicant retains the right to present claims 64 and 66-79 in a divisional application.

The Rejections Under 35 USC §103(a)

Claims 89, 92, 93, 94, 99, 102 and 103

The examiner rejected claims 89, 92, 93, 94, 102 and 103 as being obvious over US Patent No. 4,505,761 to Triplett in view of US Patent No. 6,662,642 to Breed et al.

Claim 89 is an independent claim; claims 92-94 depend on claim 89.

Claim 99 is an independent claim; claims 102-103 depend on claim 99.

Claim 89 has been amended in accordance with several telephone conferences between Applicant and Primary Examiner Gonzalez during March, 2007. Applicant believes that based on these conferences claim 89, as amended, is allowable.

Claims 92-94 depend on claim 89 and are to be construed as incorporating by reference all of the limitations of claim 89. Hence, since claim 89 distinguishes patentably from the prior art, claims 92-94 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) ["Dependent claims are non-obvious if the independent claims from which they depend are non-obvious."].

Claims 92- 94 have further been amended to be consistent with the amendments to claim 89.

Claim 99 has been amended in accordance with several telephone conferences between Applicant and Primary Examiner Gonzalez during March, 2007. Applicant believes that based on these conferences claim 99, as amended, is allowable.

Claims 102 and 103 depend on claim 99 and are to be construed as incorporating by reference all of the limitations of claim 99. Hence, since claim 99 distinguishes patentably from the prior art, claims 102 and 103 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) ["Dependent claims are non-obvious if the independent claims from which they depend are non-obvious."].

Claims 102 and 103 have been amended to be consistent with the amendments to claim 99.

For all of the above reasons, Applicant respectfully suggests that claims 89, 92-94, 99, 102, and 103 are not obvious over Triplett in view of Breed et al. and are allowable.

Claim 97

The examiner rejected claim 97 under 35 USC § 103(a) as being obvious over Triplett and Breed et al. as applied to claim 89 and further in view of US Patent No 6,462,650 to Balzer et al.

Claim 97 depends on claim 89 and is to be construed as incorporating by reference all of the limitations of claim 89. Hence, since claim 89 distinguishes patentably from the prior art, claim 97 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) ["Dependent claims are non-obvious if the independent claims from which they depend are non-obvious."].

For the foregoing reason, Applicant respectfully suggests that claim 97 is not obvious over Triplett, Breed et al., and Balzer et al. and is allowable.

Claim 98

The examiner rejected claim 98 under 35 USC § 103(a) as being obvious over Triplett, Breed et al., Balzer et al. as applied to claim 97 and further in view of US Patent No 5,573,611 to Koch et al.

Claim 98 ultimately depends on claim 89 and is to be construed as incorporating by reference all of the limitations of claim 89. Hence, since claim 89 distinguishes patentably from the prior art, claim 98 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) [“Dependent claims are non-obvious if the independent claims from which they depend are non-obvious.”].

For the foregoing reason, Applicant respectfully suggests that claim 98 is not obvious over Triplett, Breed et al., Balzer et al., and Koch et al. and is allowable.

Claim 95

The examiner rejected claim 95 under 35 USC § 103(a) as being obvious over Triplett and Breed et al. as applied to claim 89 and further in view of US Patent No 4,405,872 to Thomas.

Claim 95 depends on claim 89 and is to be construed as incorporating by reference all of the limitations of claim 89. Hence, since claim 89 distinguishes patentably from the prior art, claim 95 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) [“Dependent claims are non-obvious if the independent claims from which they depend are non-obvious.”].

For the foregoing reason, Applicant respectfully suggests that claim 95 is not obvious over Triplett, Breed et al., and Thomas and is allowable.

Claims 90 and 100

The examiner rejected claims 90 and 104 under 35 USC § 103(a) as being obvious over Triplett and Breed et al. as applied to claims 89 and 99 further in view of US Patent No 5,570,286 to Margolis et al..

Appl. No. 10/626,294
Amdt. Dated March 27, 2007
Reply to Office Action of January 10, 2007

Claim 90 depends on claim 89 and is to be construed as incorporating by reference all of the limitations of claim 89. Hence, since claim 89 distinguishes patentably from the prior art, claim 90 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) ["Dependent claims are non-obvious if the independent claims from which they depend are non-obvious."].

Claims 100 depends on claim 99 and are to be construed as incorporating by reference all of the limitations of claim 99. Hence, since claim 99 distinguishes patentably from the prior art, claim 100 must so similarly distinguish. *In re Fine*, 837 F.2d 1071, 5 USPQ2d, 1596, 1600 (Fed. Cir. 1988) ["Dependent claims are non-obvious if the independent claims from which they depend are non-obvious."].

For all of the above reasons, Applicant respectfully suggests that claims 90 and 100 are not obvious over Triplett and Breed et al. in view of Margolis et al. and are allowable.

Allowable Subject Matter

The examiner objected to claims 91, 96, 101 and 104 as being dependent upon rejected base claims. Considering the above discussion, Applicant suggests that this objection has been overcome and further discussion has been rendered moot.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted

THE LAW OFFICE OF
RICHARD S. ERBE

Dated: March 27, 2007

By: /RICHARD S. ERBE/
Richard S. Erbe
Reg. No. 34,814
Tel.: (805) 522-7636